

01-08-02

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
UTILITY PATENT APPLICATION TRANSMITTAL



COMMISSIONER FOR PATENTS  
Box Patent Application  
Washington, D.C. 20231

Attorney Docket No. 23758.00120



Sir:

Transmitted herewith for filing is a utility patent application of  
Christopher M. McGregor, Travis M. McGregor and D. Scott McGregor

for: **A BIO-METRIC SMART CARD, BIO-METRIC SMART CARD READER,  
AND METHOD OF USE**

ENCLOSED are the following:

1.  Specification, abstract and claims of 36 pages.
2.  14 sheets of  formal  informal drawings  No drawings.
3.  Two Declarations (original or copy) by the named inventors
4.  Preliminary Amendment
5.  Information Disclosure Statement
6.  Other: Request And Certification Under 35 U.S.C. 122(b)(2)(B)(i).

**NOTE the following:**

7.  Applicant is a small entity. - 50% Filing Fee Reduction (if applicable)
8.  The prior application is assigned to
9. This application is a:  
 Continuation  Divisional  Continuation-in-Part (CIP) of

Prior Application 09/843,572 Filed: April 26, 2001

10.  Priority of the following application(s) is (are) claimed under 35 U.S.C. 119:

Serial No.	Date Filed	Country	Certified Copy of Priority Doc.		
			Filed USSN or PCT#	Date	

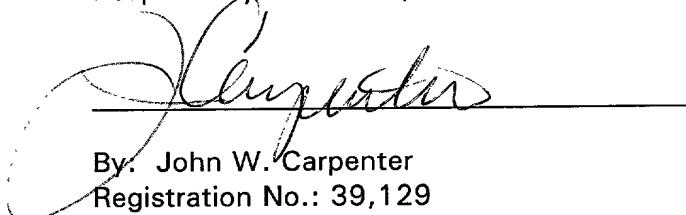
11.  An Extension of Time is filed concurrently herewith for the parent application.
12.  Cancel claims \_\_\_\_\_ prior to calculation of the filing fee.

FILING FEE: calculated below (after accounting for any preliminary amendment or claims cancellations if noted above):

<input checked="" type="checkbox"/>	Total Claims	35	Total Claims Subject to Fees: 15	\$135.00
<input checked="" type="checkbox"/>	Independent Claims	5	Total Claims Subject to Fees: 2	\$18.00
<input checked="" type="checkbox"/>	Basic Filing Fee			\$370.00
	Total Fees			\$523.00

- The Commissioner is authorized to charge the amount of \$523.00 (covering the filing fee, and additional claim fees as set forth above) to Deposit Account No. 03-3821, referencing Attorney Docket No. 23758.00120. A duplicate of this sheet is enclosed.
  
- The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this communication and which may be required under 37 CFR § 1.16 or 1.17 to Deposit Account No. 03-3821, referencing Attorney Docket No. 23758.00120. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



By: John W. Carpenter  
Registration No.: 39,129

Date: December 19, 2001

Crosby, Heafey, Roach & May  
P.O. Box 7936  
San Francisco, CA 94120-7936

Certificate of Mailing by "Express Mail"

Express Mail Mailing Label Number: EL588330039US Date of Deposit: December 19, 2001  
I hereby certify that this paper or fee is being deposited with the United States Postal Service By "Express Mail Post Office Addressee" Service under 37 CFR 1.19 on the date indicated above and is addressed to the Box Patent Application, Commissioner for Patents, Washington, DC 20231

Sandy Clayton  
Name of Mailing Individual



Sandy Clayton  
Signature of Mailing Individual

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Christopher M. McGregor et al.
Title	A Bio-Metric Smart Card, Bio-Metric Smart Card Reader, and Method of Use
Atty Docket Number	23758.00120

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

December 19, 2001

Date



Signature

John W. Carpenter

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.